



EUROPEAN
COMMISSION

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Proposal for a

COUNCIL DECISION

establishing the position to be adopted on the Union's behalf in the Administrative Committee of the United Nations Economic Commission for Europe on the draft new Regulation on pole side impact and on the draft amendment to the new Regulation on pole side impact

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

At international level, the United Nations Economic Commission for Europe (UNECE) develops harmonised requirements, intended to remove technical barriers to the trade in motor vehicles and systems used for such motor vehicles between the Contracting Parties to the 'Revised 1958 Agreement'¹ and to ensure that such vehicles and systems offer a high level of safety and environmental protection.

The UNECE recently finalised a draft new Regulation on uniform provisions concerning the approval of vehicles with regard to their Pole Side Impact performance² and draft amendment to this draft new Regulation³. The objective of the draft Regulation, as well as the proposed amendment thereto, is to establish a high level of safety for the occupants of vehicles involved in a side crash with a tall rigid object such as a tree or lantern post.

The immediate introduction of the amendment to the draft new regulation will provide Contracting Parties with the option to either apply the new Regulation in the original series in a first step, or to immediately apply the amended series. The original series will incorporate an exemption with reduced test severity for very narrow cars. The amended series abolishes the exemption for Contracting Parties that have no intrinsic need to apply it in a first step.

The established provisions of Global Technical Regulation No 14 on Pole Side Impact, as adopted through the Council Decision 14675/13⁴, are effectively transposed into the draft new UNECE Regulation and the draft amendment to the draft new UNECE Regulation.

The present proposal aims at defining the Union's position in the voting of the draft UNECE regulation on Pole Side Impact, as well as the draft amendment thereto, submitted for vote in the November 2014 WP29 meeting that will take place on 11 to 14 November 2014.

- **General context**

Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers

¹ Council Decision of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 78).

² UNECE Document ECE TRANS/WP.29/2014/79

³ UNECE Document ECE TRANS/WP.29/2014/80

⁴ Council Decision 14675/13 of 11 October 2013 on the position to be adopted on behalf of the European Union within the relevant Committees of the United Nations Economic Commission for Europe regarding the adaptation to technical progress of Regulation Nos 3, 4, 5, 6, 7, 10, 12, 14, 16, 17, 19, 23, 31, 37, 38, 43, 48, 49, 50, 51, 54, 67, 69, 70, 77, 83, 87, 91, 94, 95, 98, 99, 100, 101, 103, 107, 110, 112, 113, 115, 117, 119, 121, 123, 128 and 129, regarding a proposal for amendments to the Consolidated Resolution on the Construction of Vehicles (R.E.3), regarding the adoption of a proposal for a Global Technical Regulation on Pole Side Impact and regarding the adoption of a proposal for a Global Technical Regulation on Tyres.

and systems, components and separate technical units intended therefor⁵ lays down basic requirements for the type-approval of motor vehicles with respect to Side Impact Protection through direct reference to UNECE Regulation No 95 – Uniform provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a lateral collision⁶. It is however recognised that the aspect of Pole Side Impact is not covered by EU legislation.

However, it is still envisaged for the Union to vote in favour of the related draft new UNECE Regulation on Pole Side Impact, as well as the draft amendment thereto, in order to promote common harmonised requirements at international level which will facilitate international trade. This will enable European vehicle manufacturer and supplier industry to follow one set of requirements recognised worldwide, i.e. in the respective territories of the Contracting Parties to the ‘Revised 1958 Agreement’ that will implement provisions for Pole Side Impact.

- **Existing provisions in the area of the proposal**

There are no existing provisions in the area of the proposal

- **Consistency with the other policies and objectives of the Union**

If implemented on EU level, the proposal would be in line with the objectives of Directive 2007/46/EC on the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles. On this basis, the proposal would be consistent with the EU objective to provide for a high level of road safety concerning motor vehicles.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

- **Consultation of interested parties**

In developing the proposal the European Commission has consulted stakeholders. There has been general consultation through the UNECE informal working group on Pole Side Impact under the Working Party on Passive Safety (GRSP) as well as dissemination of information and subsequent discussions in the Technical Committee – Motor Vehicles during the ongoing development of the Global Technical Regulation on Pole Side Impact and the subsequent draft new UNECE Regulation, and the draft amendment thereto, based on the Global Technical Regulation.

- **Impact assessment**

As there are no existing provisions in the area of the proposal that are relevant at this point in time, an impact assessment shall be carried out if the proposed measures are to be implemented on EU level on an obligatory basis.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

⁵ OJ L 200, 31.7.2009, p. 1.

⁶ OJ L 313, 30.11.2007, p. 1

The proposal defines the Union's position in the voting of the draft new UNECE Regulation concerning the approval of vehicles with regard to their Pole Side Impact performance, as well as the draft amendment to that draft new UNECE Regulation.

- **Legal basis**

The legal basis for this proposal is Article 114, in conjunction with Article 218(9) of the Treaty on the Functioning of the European Union.

- **Subsidiarity principle**

General requirements for motor vehicle safety are already harmonised at Union level. The new provisions may be introduced in addition to the existing rules in the future, as decided by the European Parliament and the Council. The vote in favour of international instruments like draft UNECE Regulations and their possible incorporation into the Union system for the type-approval of systems used in motor vehicles can only be done by the Union. This does not only prevent fragmentation of the Internal Market, but also ensures an equal level of safety standards across the Union. It also offers advantages of economies of scale: products can be made for the entire Union market and even the international market, instead of being customised to obtain national type-approval for every single Member State.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle as it does not go beyond what is necessary in order to achieve the objectives of ensuring the proper functioning of the Internal Market while at the same time enabling a high level of public safety and protection.

- **Choice of instruments**

The use of a Council Decision is required by Article 218(9) TFEU in order to establish the positions to be adopted on the Union's behalf in a body set up by an international agreement.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Union budget.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 97/836/EC⁷, the Union has acceded to the Agreement of the United Nations Economic Commission for Europe (UNECE) concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement').
- (2) The standardised requirements of the draft new UNECE Regulation on uniform provisions concerning the approval of vehicles with regard to their Pole Side Impact performance⁸, as well as the draft amendment to the draft new UNECE Regulation on uniform provisions concerning the approval of vehicles with regard to their Pole Side Impact performance⁹ are intended to remove technical barriers to the trade in motor vehicles and their components between the Contracting Parties to the 'Revised 1958 Agreement' and to ensure that such vehicles and components offer a high level of safety and protection.

⁷ Council Decision of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions ('Revised 1958 Agreement') (OJ L 346, 17.12.1997, p. 78).

⁸ UNECE Document ECE TRANS/WP.29/2014/79

⁹ UNECE Document ECE TRANS/WP.29/2014/80

- (3) It is appropriate to establish the position to be taken on the Union's behalf in the Administrative Committee of the Revised 1958 Agreement concerning the adoption of that draft UNECE Regulation,

HAS ADOPTED THIS DECISION:

Sole Article

The position to be adopted on the Union's behalf in the Administrative Committee of the Revised 1958 Agreement shall be to vote in favour of the draft new UNECE Regulation on uniform provisions concerning the approval of vehicles with regard to their Pole Side Impact performance, as contained in document ECE TRANS/ WP.29/2014/79, as well as the draft amendment to the draft new UNECE Regulation on uniform provisions concerning the approval of vehicles with regard to their Pole Side Impact performance, as contained in document ECE TRANS/ WP.29/2014/80.

Done at Brussels,

*For the Council
The President*